

## REMARKS

Claims 1-9, 11-17, 19-26, and 28-34 are pending. Claims 1-9, 11-17, 19-26, and 28-34 currently stand rejected. No claims have been amended herein. Claims 10, 18, 27, and 35 have been previously canceled. The Applicant respectfully traverses the rejections and requests allowance of claims 1-9, 11-17, 19-26, and 28-34.

### *35 U.S.C. § 103(a) Rejection over Calhoun in view of Midwest Region*

Claims 1-9, 16, 17, 19-26, 33, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Calhoun (U.S. Patent No. 6,959,077) in view of Midwest Region (“Midwest Region: Primer for Local Number Portability,” Issue 2, p. 1-31, 7/27/1997). The Applicant respectfully traverses the rejection for at least the following reasons.

Claim 1 recites in part, “in response to the occurrence of the predetermined event, programming a local copy of a local number portability database to direct communications for the at least one phone number to the second switch, wherein the second switch is located in a different geographic area than the first switch, and wherein all the phone numbers actively terminated by the first switch are ported to the second switch....” Calhoun and Midwest Region, neither separately, nor in combination, teach or suggest the above recited portion of claim 1.

In Calhoun, a dialed directory number can have an associated *alternate directory number*, where the alternate number is used in case of failure of the *dialed* directory number (Calhoun, column 7, lines 17-26). However, Calhoun does not teach or suggest “direct communications for the at least one phone number to the second switch...wherein all the phone numbers actively terminated by the first switch are ported to the second switch...” as recited in claim 1. Instead, Calhoun uses an *alternate phone number* to route an incoming call to a second switch. Thus, Calhoun does not teach or suggest porting the *same* phone numbers to the second switch, nor reprogramming a database to direct incoming calls to a phone number normally associated with a first switch to instead go to a second switch, *using the same phone number*, as recited in claim 1.

The final Office Action then attempts to combine Midwest Region with Calhoun to attempt to teach or suggest porting phone numbers terminated by a first switch to a second switch (final Office Action page 7). However, Midwest Region does not teach or suggest “direct communications for the at least one phone number to the second switch...wherein all the phone numbers actively terminated by the first switch are ported to the second switch...” as recited in

claim 1. Instead, Midwest Region teaches of an originating switch receiving a call request to a dialed phone number and responsively querying a database for an *alternate* phone number prefix (LRN) to direct a phone call to a recipient switch (Midwest Region, page 5, steps 2-3). It should be noted that the LRN of Midwest Region identifies the *recipient switch* and *is not the dialed phone number received at the originating switch*. The recipient switch then replaces the incoming LRN digits with the dialed phone number (as stored in the GAP) to complete the call (Midwest Region, page 5, steps 6-7). Thus, Midwest Region does not port all phone numbers actively terminated by a first switch to a second switch, *where the same phone numbers are used*, as recited in claim 1. Therefore, the inclusion of Midwest Region does not overcome the limitations of Calhoun, nor render such limitations obvious.

Based on the foregoing comments, the Applicant contends that independent claim 1 is allowable, and such indication is respectfully requested. Independent claim 19 contains limitations similar to claim 1 and is therefore respectfully asserted to be allowable over the art of record for similar reasons as claim 1.

While separately allowable over the art of record, dependent claims 2-9, 16, 17, 20-26, 33, and 34 depend from otherwise allowable independent claims. The Applicant therefore refrains from a discussion of the rejection of claims 2-9, 16, 17, 20-26, 33, and 34 under 35 U.S.C. § 103(a) for the sake of brevity.

Thus, in light of the discussion above, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections of claims 1-9, 16, 17, 19-26, 33, and 34.

### *35 U.S.C. § 103(a) Rejection over Calhoun in view of Midwest Region and Ward*

Claims 11, 12, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Calhoun (U.S. Patent No. 6,959,077) in view of Midwest Region (“Midwest Region: Primer for Local Number Portability,” Issue 2, p. 1-31, 7/27/1997) and Ward (U.S. Patent No. 6,654,451). The Applicant respectfully traverses the rejection for at least the following reasons.

Claims 11 and 12 depend from independent claim 1 and claims 28 and 29 depend from independent claim 19, thus incorporating the limitations of the associated independent claims. Therefore, the Applicant respectfully asserts that claims 11, 12, 28, and 29 are allowable for at least the reasons indicated above in support of claims 1 and 19, and such indication is respectfully requested.

Thus, in light of the discussion above, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 11, 12, 28, and 29.

*35 U.S.C. § 103(a) Rejection over Calhoun in view of Midwest Region and Gibson*

Claims 13-15 and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Calhoun (U.S. Patent No. 6,959,077) in view of Midwest Region (“Midwest Region: Primer for Local Number Portability,” Issue 2, p. 1-31, 7/27/1997) and Gibson (U.S. Patent No. 7,076,045). The Applicant respectfully traverses the rejection for at least the following reasons.

Claims 13-15 depend from independent claim 1 and claims 30-32 depend from independent claim 19, thus incorporating the limitations of the associated independent claims. Therefore, the Applicant respectfully asserts that claims 13-15 and 30-32 are allowable for at least the reasons indicated above in support of claims 1 and 19, and such indication is respectfully requested.

Thus, in light of the discussion above, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 13-15 and 30-32.

## **CONCLUSION**

Based on the above remarks, the Applicant submits that the claims in their present form are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant respectfully requests allowance of the claims at the Examiner's earliest convenience.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine fees are necessary, the Office is hereby authorized to charge Deposit Account No. 210765, accordingly.

Respectfully submitted,

/David J. Bovitz/

**SIGNATURE OF PRACTITIONER**

David J. Bovitz, Reg. No. 61,911

Setter Roche LLP

Telephone: (720) 562-2280

E-mail: dave@setterroche.com

**Correspondence address:**

**CUSTOMER NO. 28004**

Attn: Melissa A. Jobe

Sprint

6391 Sprint Parkway

Mailstop: KSOPHT0101-Z2100

Overland Park, KS 66251-2100